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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,815	09/19/2001	Robert Sesek	10012544-1	1709

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,815

Applicant(s)

SESEK, ROBERT

Examiner

Akiba K. Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,10 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-8, 10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Due to the amendment filed 6/22/05, the following is a final rejection. Claims 1, 4, 6, 7, 10, 12, and 15 have been amended. Claims 2, 3, 9, and 11 have been cancelled. Claims 1, 4-8, 10, and 12-15 are pending in this application and have been examined on the merits. New examiner, Akiba Robinson-Boyce, has withdrawn the previous rejection given by former examiner Edward Cassimano. The following rejection reflects the claims as amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-8, 10, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baggarly et al (US 4,639,873), and further in view of Vogel, (US 5,914,464), both references previously cited by the examiner.

As per claim 1, Baggarly et al discloses:

determining the number of sheets in the parcel based on a relationship between the thickness of the parcel and the number of sheets in the parcel, (Col. 3, lines 45-55, counts the number of documents fed into the fast feeder);

accessing weight data for the sheet print medium and the packaging, (Col. 23, line 62-col. 24, line 6, unit data) ;

determining the weight of the parcel based on the determined number of sheets in the parcel and the weight data accessed for the sheets and the packaging, (Col. 23, lines 54-Col. 24, line 10, using the count data of the number of inserts fed from the fast feeder, and taking this data to determine the weight of the number of inserts or sheets);

accessing postal rates according to parcel weight, (Col. 30, lines 7-9, using calculated total weight to determine a postage category); and

determining postage for the parcel based on the accessed postal rates and the determined weight of the parcel, (Col. 5, line 65-Col. 6, line 3, applying appropriate postage to a stuffed envelope weighting in the range from 1.090 ounces to 1.99 ounces).

Baggary et al does not specifically disclose detecting the thickness of a parcel that includes a sheet print medium in an envelope or other packaging, but does disclose determining the number of sheets in the packaging as disclose above, which constitutes thickness of a packaging.

However, Vogel discloses:

detecting the thickness of a parcel that includes a sheet print medium in an envelope or other packaging, (Col 7, lines 18-21, measuring the thickness of the mail piece). Vogel discloses this limitation in an analogous art for the purpose of determining the thickness of the mail piece.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to detect the thickness of a parcel that includes a sheet print

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medium in an envelope or other packaging with the motivation of determining the postage fee based on the thickness of the parcel.

As per claim 4, Baggarly et al discloses:

determining the weight of the parcel comprises determining the weight of the parcel based on the determined number of sheets in the parcel...and the weight data accessed for the sheets, the packaging..., (Col. 23, lines 54-Col. 24, line 10, using the count data of the number of inserts fed from the fast feeder, and taking this data to determine the weight of the number of inserts or sheets by incorporating unit data, w/ col. 1, lines 52-52-58, where it is shown that the weight of the envelopes can vary according to the number of sheets, in addition to the number of items inserted into the customer's envelope);

Neither Baggarly et al nor Vogel specifically disclose:

detecting a metal binder in the parcel and; accessing weight data for the metal binder; and determining the weight of the parcel based on the metal binder, but Baggarly et al does disclose determining the weight of the parcel based on items inserted into the customer's envelope such as informational disclosures and advertising enclosures in col. 1, lines 52-58, and for lengthy disclosures/enclosures, these tend to have more than one page that need to be bind together.

However, specifying of "*metal binder*" as a type of claim amounts to the recitation of non-functional data; the type of claim has no bearing on the invention as claimed, and thus carries no patentable weight. Although, the specifying of a "metal binder" carries not patentable weight, it still would have been obvious to one of ordinary skill in the art

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at the time of the applicant's invention to detect a metal binder in a parcel with the motivation of stuffing the package with a single informational/advertising insert that are lengthy and have more than one page and to determine the weight of the parcel based on the metal binder with the motivation of determining the weight of a parcel based on items inserted into the customer's envelope.

As per claim 5, Baggarly et al discloses:

further comprising applying the postage to the packaging, (Col. 6, lines 10-12, selectively applying an appropriate amount of postage).

As per claim 6, Baggarly et al discloses:

accessing postal rates according to parcel weight, (Col. 30, lines 7-9, using calculated total weight to determine a postage category);

accessing weight data for different types of print media and different types of envelopes, (Col. 23, line 62-col. 24, line 6, unit data) ;

determining the number of sheets in the parcel based on a relationship between the thickness of the parcel and the type of print media in the parcel, (Col. 3, lines 45-55, counts the number of documents fed into the fast feeder);

computing the weight of the parcel based on the determined number of sheets in the parcel and the weight data accessed for the sheets and the envelope, (Col. 23, lines 54-Col. 24, line 10, using the count data of the number of inserts fed from the fast feeder, and taking this data to determine the weight of the number of inserts or sheets); and

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computing postage for the parcel based on the accessed postal rates and the computed weight of the parcel, (Col. 5, line 65-Col. 6, line 3, applying appropriate postage to a stuffed envelope weighting in the range from 1.090 ounces to 1.99 ounces).

Baggarly et al does not specifically disclose detecting the thickness of a parcel that Includes a sheet print medium in an envelope or other packaging, but does disclose determining the number of sheets in the packaging as disclose above, which constitutes thickness of a packaging.

However, Vogel discloses:

detecting the thickness of a parcel that includes a sheet print medium in an envelope or other packaging, (Col 7, lines 18-21, measuring the thickness of the mail piece). Vogel discloses this limitation in an analogous art for the purpose of determining the thickness of the mail piece.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to detect the thickness of a parcel that includes a sheet print medium in an envelope or other packaging with the motivation of determining the postage fee based on the thickness of the parcel.

As per claim 7, Baggarly et al discloses:

wherein computing the weight of the parcel comprises computing the weight of the parcel based on the determined number of sheets in the parcel...the weight data accessed for the sheets, the envelope..., (Col. 23, lines 54-Col. 24, line 10, using the count data of the number of inserts fed from the fast feeder, and taking this data to

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determine the weight of the number of inserts or sheets by incorporating unit data, w/ col. 1, lines 52-52-58, where it is shown that the weight of the envelopes can vary according to the number of sheets, in addition to the number of items inserted into the customer's envelope);

Neither Baggary et al nor Vogel specifically disclose:

accessing weight data for different types of metal binders; and detecting at least one type of metal binder in the parcel and determining the weight of the parcel based on the metal binder, but Baggerly et al does disclose determining the weight of the parcel based on items inserted into the customer's envelope such as informational disclosures and advertising enclosures in col. 1, lines 52-58, and for lengthy disclosures/enclosures, these tend to have more than one page that need to be bind together.

However, official notice is taken that it is old and well known in the parcel packaging art to detect a metal binder in a parcel, and to determine the weight of the parcel based on the metal binder. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to detect a metal binder in a parcel with the motivation of stuffing the package with a single informational/advertising insert that are lengthy and have more than one page and to determine the weight of the parcel based on the metal binder with the motivation of determining the weight of a parcel based on items inserted into the customer's envelope.

As per claim 8, Baggary et al discloses:

further comprising applying the postage to the envelope, (Col. 6, lines 10-12, selectively applying an appropriate amount of postage).

As per claim 10, Baggarly et al discloses:

accessing postal rates according to parcel weight, (Col. 30, lines 7-9, using calculated total weight to determine a postage category);

accessing weight data for different types of print media and different types of envelopes, (Col. 23, line 62-col. 24, line 6, unit data);

detecting the thickness of a parcel that includes one type of print media in an envelope:

computing postage for the parcel based on the accessed postal rates and the computed weight of the parcel, (Col. 5, line 65-Col. 6, line 3, applying appropriate postage to a stuffed envelope weighting in the range from 1.090 ounces to 1.99 ounces).

Baggarly et al does not specifically disclose scanning the parcel to determine its planar size; computing the weight of the parcel based on the accessed weight data and the detected thickness and scanned size of the parcel, but does disclose determining the number of sheets in the packaging as disclose above, which constitutes thickness of a packaging.

However, Vogel discloses:

scanning the parcel to determine its planar size; computing the weight of the parcel based on the accessed weight data and the detected thickness and scanned size of the parcel, (Abstract, lines 1-6, shows a device that contains sensors for acquiring the thickness of the package, w/ Col 7, lines 18-21, measuring the thickness of the mail piece, w/ col. 5, lines 37-42, shows weight-dependent thickness). Vogel discloses this

limitation in an analogous art for the purpose of determining the thickness of the mail piece.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to detect the thickness of a parcel that includes a sheet print medium in an envelope or other packaging with the motivation of determining the postage fee based on the thickness of the parcel.

As per claim 12, Baggarly et al discloses:

a postage meter positioned to apply postage to the parcel, (Col. 6, lines 10-12, selectively applying an appropriate amount of postage); and

a computer electronically connected to...the postage meter, the computer configured to access weight data for parcel media and packaging...access postal rates according to parcel weight, compute postage for the parcel based on the computed weight of the parcel and the accessed postal rates and transmit the postage to the postage meter, (Fig. 1, postage meters [84 and 88] connected to data processor [102] in a networked environment, Col. 23, line 62-col. 24, line 6, unit data represents weight data, Col. 30, lines 7-9, using calculated total weight to determine a postage category, Col. 6, lines 10-12, selectively applying an appropriate amount of postage).

Baggarly et al does not specifically disclose a thickness gauge positioned to measure the thickness of a parcel/a computer electronically connected to the thickness gauge/computing the weight of the parcel based on thickness data received from the thickness gauge, but does disclose determining the number of sheets in the packaging as disclose above, which constitutes thickness of a packaging.

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However, Vogel discloses:

a thickness gauge positioned to measure the thickness of a parcel/a computer electronically connected to the thickness gauge/computing the weight of the parcel based on thickness data received from the thickness gauge, (Abstract, lines 1-6, shows a device that contains a receiving chamber for acquiring the thickness of the package, w/ Col 7, lines 18-21, measuring the thickness of the mail piece, w/ col. 5, lines 37-42, shows weight-dependent thickness). Vogel discloses this limitation in an analogous art for the purpose of determining the thickness of the mail piece.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to detect the thickness of a parcel that includes a sheet print medium in an envelope or other packaging with the motivation of determining the postage fee based on the thickness of the parcel.

As per claim 13, neither Baggarly et al nor Vogel specifically disclose:

further comprising a metal detector electronically connected to the computer, the metal detector positioned to detect metal in the parcel, and wherein the computer is further configured to access weight data for metal binders and compute the weight of the parcel based on thickness data received from the thickness gauge and metal data received from the metal detector, but Baggarly et al does disclose determining the weight of the parcel based on items inserted into the customer's envelope such as informational disclosures and advertising enclosures in col. 1, lines 52-58, and for lengthy disclosures/enclosures, these tend to have more than one page that need to be bind together.

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However, specifying of "*metal binder*" as a type of claim amounts to the recitation of non-functional data; the type of claim has no bearing on the invention as claimed, and thus carries no patentable weight. Although, the specifying of a "metal binder" carries not patentable weight, it still would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to detect a metal binder in a parcel with the motivation of stuffing the package with a single informational/advertising insert that are lengthy and have more than one page and to determine the weight of the parcel based on the metal binder with the motivation of determining the weight of a parcel based on items inserted into the customer's envelope.

As per claim 14, Baggarly et al does not specifically disclose scanning the parcel to determine its planar size; computing the weight of the parcel based on the accessed weight data and the detected thickness and scanned size of the parcel, but does disclose determining the number of sheets in the packaging as disclose above, which constitutes thickness of a packaging.

However, Vogel discloses:

further comprising a scanner electronically connected to the computer, the scanner positioned to detect the planar size of the parcel, and wherein the computer is further configured to compute the weight of the parcel based on thickness data received from the thickness gauge and size data received from the scanner, (Abstract, lines 1-6, shows a device that contains sensors for acquiring the thickness of the package, w/ Col 7, lines 18-21, measuring the thickness of the mail piece, w/ col. 5, lines 37-42, shows

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weight-dependent thickness). Vogel discloses this limitation in an analogous art for the purpose of determining the thickness of the mail piece.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to detect the thickness of a parcel that includes a sheet print medium in an envelope or other packaging with the motivation of determining the postage fee based on the thickness of the parcel.

As per claim 15, Baggarly discloses:

access weight data for parcel media and packaging, (Col. 23, line 62-col. 24, line 6, unit data);

compute the weight of the parcel based on...the accessed weight data, (Col. 23, lines 54-Col. 24, line 10, using the count data of the number of inserts fed from the fast feeder, and taking this data to determine the weight of the number of inserts or sheets); and

access postal rates according to parcel weight, (Col. 30, lines 7-9, using calculated total weight to determine a postage category); and

compute postage for the parcel based on the computed weight of the parcel and the accessed postal rates, (Col. 5, line 65-Col. 6, line 3, applying appropriate postage to a stuffed envelope weighting in the range from 1.090 ounces to 1.99 ounces).

Baggarly et al fails to disclose receiving data representing the thickness of a parcel/computing the weight based on thickness, but does disclose determining the number of sheets in the packaging as disclose above, which constitutes thickness of a packaging.

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However, Vogel discloses:

disclose receiving data representing the thickness of a parcel/computing the weight based on thickness, (Abstract, lines 1-6, shows a device that contains a receiving chamber for acquiring the thickness of the package, w/ Col 7, lines 18-21, measuring the thickness of the mail piece, w/ col. 5, lines 37-42, shows weight-dependent thickness). Vogel discloses this limitation in an analogous art for the purpose of determining the thickness of the mail piece.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to detect the thickness of a parcel that includes a sheet print medium in an envelope or other packaging with the motivation of determining the postage fee based on the thickness of the parcel.

Response to Arguments

4. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.
5. Applicant's arguments, see page 7 of the arguments, filed 6/22/05, with respect to claims 1-10 and 12-15 under 35 U.S.C.112, and claims 1-10 and 15 under 35 U.S.C. 101 have been fully considered and are persuasive. The 35 U.S.C.112 rejection of claims 1-10, and 12-15, and the 35 U.S.C. 101 rejections of claims 1-10 and 15 have been withdrawn.

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Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

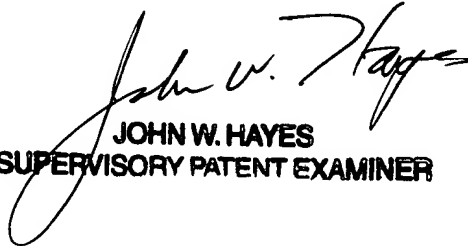
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.
November 10, 2005



JOHN W. HAYES
SUPERVISORY PATENT EXAMINER